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Headquarters Department of Northern Va.

(Extract.)

21st OCTOBER, 1864.

GENERAL ORDERS, }
No. 62. . }

I. * * * * *

1. Private James S. Mills, Co. D, 10th N. C. Battalion.

SENTENCE :

“To three months' hard labor with a twenty-four pound ball attached to his leg by a chain three feet long, on such public works as the Commanding General may direct.”

2. Private Pleasant A. Hasket, Co. A, 10th N. C. Battalion.

CHARGE—*Desertion.*

SPECIFICATION—In this, that the said private, Pleasant A. Hasket, of Company A, of the Tenth North Carolina Battalion Artillery, after having been duly enlisted in the Confederate States service, did desert the service of the Confederate States, on or about the 4th of August, 1863, when arrested and brought back under guard. All this done at Wilmington, N. C.

FINDING :

Of specification, guilty.

Of charge, guilty.

SENTENCE :

The court therefore sentences him, the said private Pleasant A. Hasket, of Company A, 10th N. C. Battalion Artillery, to be shot to death with musketry, at such time and place as the Commanding General may direct, (two-thirds of the court concurring therein.

3. Private Carlton W. Autery, Co. B, 2d N. C. Battalion.

CHARGE—*Desertion.*

SPECIFICATION—In this, that the said private, Carlton W. Autery, Co. B, 2d N. C. Battalion, a duly entisted man in the service of the Confederate States, and having received pay as such, did, on or about the 26th July, 1864, desert the service from his company, stationed at Camp Lamb, Wilmington, N. C., and did not return until apprehended and brought back by a detail sent from the company for that purpose, on or about the 15th August.

FINDING :

Of specification, guilty.

Of charge, guilty.

SENTENCE :

The court does therefore sentence him, the said private Carlton W. Autery, Co. B, 2d N. C. Battalion, to be shot to death with musketry, at such time and place as the Commanding General may direct, (two-thirds of the members concurring therein.)

4. Private G. W. Workman, Co. I, 40 Regiment, N. C. T.

CHARGE—*Desertion.*

SPECIFICATION—In this, that the said private, G. W. Workman, of Co. I, 40th Regiment N. C. T., having been duly mustered in the Confederate States service, did desert the same on or about the twenty-fifth day of November, 1862, by breaking jail at Ashborough, Randolph county, N. C., and making his escape after being placed there by a sergeant and six men from his company, who were sent to arrest him, and did not return until arrested and brought back, and confined in the Military Prison at Wilmington, N. C., on or about the 5th day of March, 1864.

FINDING :

Of specification, guilty.

Of charge, guilty.

SENTENCE :

The court does therefore sentence him the said private G. W. Workman, Co. I, 40th Regiment N. C. T., to be shot to death with musketry at such time and place as the Commanding General may direct, (two-thirds of the members concurring therein.)

5. Private Allen Walters, Co. B. 40th Regiment N. C. Troops.

SENTENCE :

"To twelve months hard labor under guard on some of the public works, with a twenty-four pound ball attached to his leg by a chain three feet long."

6. Private Calvin Cobble, Co. C, 3d N. C. Battallion.

SENTENCE :

"To three months hard labour in charge of the guard on some of the public works with a twenty-four pound ball attached to his leg by a chain three feet long."

7. Private E. M. Ingram, Co. C, 10th N. C. Battalion.

SENTENCE :

"To six months hard labour under guard on some of the public works."

8. Lieut. C. S. Powell, Co. B, 10th N. C. Battalion, acquitted.

9. Private John McNeil, Co. I, 40th N. C. T.

CHARGE—Desertion.

SPECIFICATION—In this that the said private John McNeil, Co. F. 40th Regiment N. C. Troops, having been duly enlisted in the Confederate States Army, did desert from his Company when stationed at Fort Fisher, on or about the 28th day of July, 1863, and was arrested and brought back to the Military Prison at Wilmington, N. C., on or about the 15th of May, 1864.

FINDING :

Of specification, guilty.

Of charge, guilty.

SENTENCE :

The court does therefore sentence the said private John McNeil, Co. F, 40th Regiment N. C. Troops, to be shot to death with musketry, at such time as the Commanding General may direct, (two-thirds of the members concurring therein.)

10. Private James Bardeaux Co. K, 10th Regiment N. C. T. In consideration of the fact that the prisoner has been very severely and improperly punished by Major James Reilly, 10th Regiment N. C. T. "H. A.," the court is of the opinion that no further punishment is necessary.

The court would here take occasion to express its most hearty disapprobation of the course pursued in regard to the prisoner, viz: punishing severely without trial, and then preferring charges for the same offence, as subversive of discipline.

* * * * *

1. Private John Cook, Co. A, 3d N. C. Battalion.

SENTENCE:

"To be put to hard labour under a guard with a twenty-four pound ball attached to his leg by a chain three feet long, on some of the public works for forty days."

2. Private George W. Thompson, Co. A, 3d N. C. Battalion, acquitted.

3. Private Madison Goodwin, Co. D, 10th N. C. Battalion.

SENTENCE:

"To hard labour on some of the public works for three calendar months."

4. Private J. A. Howard, Co. C, 10th N. C. Battalion.

SENTENCE:

"To three months hard labour with a twenty-four pound ball attached to his leg by a chain three feet long; on public work at such place as may be designated by the Commanding General."

5. Lieut. S. A. Barnes, Co. D, 36th N. C. Regiment, acquitted.

6. Sergeant Isaac Herring, Sampson Heavy Battery.

"The court does therefore honorably acquit the said Sergeant Isaac Herring.

The court is of the opinion that the accused intended no insubordination, but was guilty of an indiscretion in not going on the sick report when ordered to duty for which he was unfit.

7. Private Vincent H. Allen, Co. D, 13th N. C. Battalion.

CHARGE—Desertion

SPECIFICATION—In this that the said private Vincent H. Allen, of Company D, 13th N. C. Battalion, duly enlisted in the service of the Confederate States, did desert his company on the night of the thirteenth of May, 1863, from Camp Petigrew, Topsail Sound,

N. C., remaining therefrom until captured and brought back to the Military Prison in Wilmington, N. C., for confinement, April 13th, 1864.

FINDING :

Of specification, guilty.
Of charge, guilty.

SENTENCE :

The court does therefore sentence him the said private Vincent H. Allen of Company D, of the thirteenth North Carolina Battalion, to be shot to death with musketry, at such time and place as the Commanding General may direct, (two-thirds of the members concurring therein.)

8. Private T. S. Hansley, Co. H, 40th Regiment N. C. Troops.

CHARGE—*Desertion.*

SPECIFICATION—In this that the said private Thomas S. Hansley, of Company H, of the fortieth North Carolina Troops, duly enlisted in the service of the Confederate States, did desert the same on the twenty-fourth day of August, 1864, and did remain absent until the twenty-fifth day of August, 1864, when he was found secreted upon the steamship "Will-o'-the-Wisp," a vessel running the blockade, and thus attempting to make his way to a foreign port, on the said steamer, and was arrested and confined in the Military Prison at Wilmington, N. C. All this on or about the 24th day of August, 1864, at or near Fort Fisher, N. C.

FINDING :

Of specification, guilty.
Of charge, guilty.

SENTENCE :

And the court does therefore sentence him, the said private Thomas S. Hansley, of Company H, of the Fortieth Regiment North Carolina Troops, to be shot to death with musketry, at such time and place as the Commanding General may direct, (two-thirds of the members concurring therein.)

9. Private Thomas Piver, conscript from New Hanover county, N. C., "pleads in bar that he is not in the service of the Confederate States, and that he received permanent exemption papers,

FINDING :

The court sustains the plea of the accused, and recommends that the accused, Thomas Piver, be turned over to the civil authorities for trial."

10. Private P. Simpson, Co. D, 10th N. C. Battalion.

CHARGE—*Desertion.*

SPECIFICATION—In this, that he, the said private Pleasant Simpson, of Co. D, of the 10th N. C. Battalion, a duly enlisted man in the service of the Confederate States, did, on or about the

sixteenth day of August, 1863, desert the same from his company, while stationed at Camp Gibbs, near Wilmington, N. C., and did so remain absent till on or about the 13th day of September, 1864, when he voluntarily returned to his command.

FINDING :

Of specification, guilty.

Of charge, guilty.

SENTENCE :

The court does therefore sentence him, the said private Pleasant Simpson, of Company D, of the 10th North Carolina Battalion, to be shot to death with musketry, at such time and place as the Commanding General may direct, (two-thirds of the members concurring therein.)

II. With the exceptions hereinafter indicated, the proceedings, findings, and sentences in the foregoing cases are approved. The sentences are confirmed and will be duly executed.

In consideration of the disease with which he is afflicted, so much of the sentence in the case of private James S. Mills, of Company D, of the Tenth North Carolina Battalion, as imposes on him ball and chain, is remitted. The remainder of his sentence will be executed under the direction of his District Commander.

The sentences in the cases respectively of private John McNeil, of Company I, of the Fortieth North Carolina Regiment, and of private Vincent H. Allen, of Company D, of the Thirteenth North Carolina Battalion; will be executed in the presence of the troops, at their respective posts, seven days after the publication of their sentences to the same, under the direction of their District Commanders.

The proceedings in the case of Lieutenant C. S. Powell, of the Tenth North Carolina Battalion, are defective, in as much as papers produced in evidence are not attached to the record, and do not accompany it. Such papers should be affixed to the record, and not simply enclosed loosely in it. Lieut. Powell will resume his sword.

The proceedings in the case of private Allen Walters, of Company B, of the Fortieth North Carolina Regiment, are disapproved, in as much as the specification alleges no offence. It simply avers that the accused was sent home sick, and brought to his Regiment under guard, but contains no allegation of the period when his absence ceased to be authorized, and became without leave. Nor does it allege he was ever improperly absent. The finding is also disapproved. The proof is that the prisoner was sent to his home to remain until fit for duty, but no evidence is adduced that he ever was or now is fit for duty. The sentence, consequently, is not confirmed, and private Walters will be released from arrest and restored to duty.

Thomas Piver, arraigned as a conscript will, according to the recommendation of the court, be turned over to the civil authorities with a statement of the facts of the case, unless, as appears

probable from the above case of private Mills, the charge of being a spy can be substantiated against him. In such case he will be held and tried as such. Major General Whiting commanding the district will direct the necessary investigation.

In the cases of private G. W. Workman, of Company I, of the Fortieth North Carolina Regiment; of private Carlton W. Autery, of Company B, of the Second North Carolina Battalion; and of privates Pleasant A. Hasket, of Company A, and Pleasant Simpson, of Company D, of the Tenth North Carolina Regiment; the execution of the sentences in these cases is suspended until the decision of the President in the cases is known.

In the case of private Workman, in consideration of his voluntary surrender, and the mitigating circumstances developed on the trial;

In the case of private Autery, in consideration of his extreme youth, (being now seventeen years of age, and having been six months in service,) and his good character as a soldier:

Private Hasket, in consideration of so little being known of his case—his long confinement (over a year) previous to his trial, without any reason being assigned therefor;

Private Simpson, in consideration of his voluntary return under Governor Vance's proclamation, of 24th August, 1864;

In the cases of privates John Cook, of Company A, and Calvin Cobble, of Company C, of the Third North Carolina Battalion, and of privates Madison Goodwin, of Company D, and J. A. Howard and E. M. Ingram, of Company C, of the Tenth North Carolina Battalion, the sentences will be executed under the direction of the Commanding Officer, at Salisbury, N. C., to whom they will be sent, with copies of their respective sentences.

The acquitted will be restored to duty.

By command of General R. E. LEE.

W. H. TAYLOR,

Official:

A. A. General.

H. E. YOUNG,

Ajt General.

Official:

Maj. & A. A. General.

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